

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) No. 4:17-CR-00105-DGK-01
)
)
HUGO A. ESTRADA CHAVIRA,)
)
)
Defendant.)

**ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION
FINDING DEFENDANT INCOMPETENT TO STAND TRIAL**

On July 17, 2018, counsel for Defendant filed a motion pursuant to 18 U.S.C. § 4241. The Court granted the motion and, prior to holding a hearing to determine Defendant's mental competency, entered its Order pursuant to 18 U.S.C. § 4241(b) directing that a psychological or psychiatric examination of Defendant be conducted and that a psychological or psychiatric report be filed with the Court pursuant to 18 U.S.C. § 4247(b) and (c).

Magistrate Judge John T. Maughmer held a competency hearing on February 5, 2019. At the hearing, the parties stipulated that the Court could consider the forensic psychological report from Miriam Kissin, Psy. D., which concluded that Defendant is incompetent to understand the nature and consequences of the proceedings against him and to assist properly in his defense. Neither the government nor Defendant offered additional evidence. On February 5, 2019, Judge Maughmer entered a "Report and Recommendation" that Defendant be declared incompetent to stand trial. Neither party filed any objection.

After making an independent, do novo review of the record, the Court
ADOPTS the Report and Recommendation of Judge Maughmer in its entirety and finds
that Defendant is incompetent to stand trial. It is further

ORDERED that, pursuant to 18 U.S.C. § 4241(d), Defendant shall be committed to the custody of the Attorney General for hospitalization and treatment in a suitable facility for a reasonable time up to 120 days to determine whether there is a substantial probability that in the foreseeable future, Defendant will attain the capacity to proceed.

IT IS SO ORDERED.

Dated: February 20, 2019

/s/ Greg Kays

GREG KAYS, JUDGE

UNITED STATES DISTRICT COURT